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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 836,193	04 18 2001	Mon-Sheng Lin	BHT-3106-130	6516

7590 07 03 2002

DOUGHERTY & TROXELL  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER

ANTHONY, JOSEPH DAVID

ART UNIT	PAPER NUMBER
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1714

2

DATE MAILED: 07 03 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/836, 193

Applicant(s)

Examiner

Group Art Unit

1714

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite in regards to the units for the claimed percentage concentration ranges. Are the units by weight, by volume, etc.? Applicant is advised not to add new matter to the claims and/or the specification when addressing this rejection. The specification as originally filed neither teaches nor suggests any units for the listed concentration ranges.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. U.S. Patent Number 4,764,302 or Honsa U.S. Patent Number 5,174,927 or Halas U.S. Patent Number 4,970,029.

Baker et al., Honsa, and Halas all disclose aqueous base detergent compositions that comprise: 1) water, 2) surfactant(s), 3) fluorescent brightening agents, such as applicant's claimed diamino-stilbene disulphonic acid derivative types, and 4) additional adjuvants, such as builders, pH modifying agents, stabilizers, solvent(s), anti-freeze agents, dyes, thickeners (i.e. viscosity index improver), perfumes, etc.. See abstract, claims, formulation #3, Table 5, column 6, and column 10, lines 32-50 of Baker et al.. See abstract, and claims of Honsa. See abstract, column 7, lines 24-31, examples and claims of Halas.

Baker et al., Honsa, and Halas all individually differ from applicant's claimed invention in that they do not have a direct teaching (i.e. by way of an example) to a aqueous detergent composition that actually comprises all of applicant's claimed components within applicant's claimed concentration ranges.

It would have been obvious to one having ordinary skill in the art to use the individual broad disclosures of Baker et al., Honsa, and Halas as motivation to actually make aqueous detergent compositions that contained all of applicant's claimed components at applicant's claimed concentration ranges, since such components and such concentration ranges are deemed

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to be broadly suggested by each individual patent. In regards to applicant's particularly claimed concentration ranges it is well established by the courts that where the general conditions of the claims are disclosed in the prior-art, it is not inventive to discover optimum or workable ranges (i.e concentration, temperature, pH etc.) by routine experimentation, absent evidence of unexpected results. It is noted by the examiner that applicant has set forth no showing of any superior and/or unexpected results for applicant's claimed compositions.

5. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend, III U.S. Patent Number 4,249,412 in view of anyone of the following **for claims 5-7 only**: Baker et al. U.S. Patent Number 4,764,302 or Honsa U.S. Patent Number 5,174,927 or Halas U.S. Patent Number 4,970,029.

Townsend, III teaches aqueous fluorescent leak detection compositions that comprise about 0.025 to about 1.0 weight percent sodium fluorescent, thickening agent, surfactants, anti-freeze etc., see abstract, column 2, lines 40-66, column 3, lines 3 to column 4, line 29 and the claims.

Townsend, III differs from applicant's claimed invention in that he does not have a direct teaching (i.e. by way of an example) to a aqueous fluorescent leak detection composition that actually comprises all of applicant's claimed components within applicant's claimed concentration ranges.

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It would have been obvious to one having ordinary skill in the art to use the broad disclosure of Townsend, III as motivation to actually make aqueous fluorescent leak detection compositions that contained all of applicant's claimed components at applicant's claimed concentration ranges, since such components and such concentration ranges are deemed to be broadly suggested by the patent. In regards to claims 5-7 Townsend, III is taken in view of Baker et al., Honsa, or Halas for their disclosure that it is well known in the art to make aqueous detergent compositions that can comprise fluorescent brightening agents along with dyes. As such it would have been obvious to one having ordinary skill in the art to use such disclosure as motivation to actually add a liquid dye component to Townsend, III aqueous fluorescent leak detection compositions. In regards to applicant's particularly claimed concentration ranges it is well established by the courts that where the general conditions of the claims are disclosed in the prior-art, it is not inventive to discover optimum or workable ranges (i.e concentration, temperature, pH etc.) by routine experimentation, absent evidence of unexpected results. It is noted by the examiner that applicant has set forth no showing of any superior and/or unexpected results for applicant's claimed compositions.

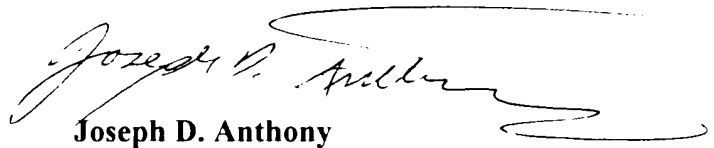
***Prior-Art Cited But Not Applied***

6. Any prior-art reference which is cited on FORM PTO-892 but not applied, is cited only to show the general state of the prior-art at the time of applicant's invention.

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***Examiner Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (703) 308-0446. This examiner can normally be reached on Monday through Thursday from 7:35 a.m. to 6:00 p.m. in the eastern time zone. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The group (**non-after final**) FAX machine number is (703) 872-9310. The group (**after final**) FAX machine number is (703) 872-931. Unofficial correspondence transmitted by FAX must be marked "DRAFT". All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0651. The receptionist is located on the 8<sup>th</sup> floor of Crystal Plaza 3 (e.g. CP-3) and will be the welcome point for all visitors to the building.

  
**Joseph D. Anthony**  
**Primary Patent Examiner**  
**Art Unit 1714**

6/29/12